UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA 1:19-CV-00874-NCT-LPA

COUNTY OF MOORE	
Plaintiff,))
V.	DEFENDANTS' AMENDED MOTION TODISMISS THE AMENDED COMPLAINT
RANDY ACRES and SOEK YIE PHAN,	
Defendants.)))

NOW COME Defendants Randy Acres and Soek Yie Phan ("Defendants"), by and through their undersigned counsel and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and hereby move the Court to dismiss all claims in the Amended Complaint for failure to state a claim upon which relief can be granted. In support thereof, Defendants are filing an accompanying memorandum contemporaneously herewith.

Respectfully submitted this the 3rd day of September, 2019.

GRAEBE HANNA & SULLIVAN, PLLC

/s/ Douglas W. Hanna

Douglas W. Hanna, NCSB #18225

4350 Lassiter at North Hills Avenue, Suite 375

Raleigh, North Carolina 27609 Telephone: 919-863-9091

Facsimile: 919-863-9095

Email: <u>dhanna@ghslawfirm.com</u>

Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has this day electronically filed the foregoing **DEFENDANTS' AMENDED MOTION TO DISMISS THE AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system and served a copy upon all parties to this action by placing a copy of same in the United States mail, postage prepaid, addressed as follows:

Misty Randall Leland Moore County Attorney Elizabeth Curran O'Brien Assistant County Attorney P. O. Box 905 Carthage, NC 28327

This the 3rd day of September, 2019.

GRAEBE HANNA & SULLIVAN, PLLC

/s/ Douglas W. Hanna

Douglas W. Hanna, NCSB #18225 4350 Lassiter at North Hills Avenue, Suite 375 Raleigh, North Carolina 27609

Telephone: 919-863-9091 Facsimile: 919-863-9095

Email: <u>dhanna@ghslawfirm.com</u>

Counsel for Defendants